MICHAEL J. AGUIRRE, City Attorney
DONALD McGRATH, Exec. Asst. City Attorney (SBN 44139)
WALTER C. CHUNG, Deputy City Attorney (SBN 163097)
Office of the City Attorney
1200 Third Avenue, Suite 1100
San Diego, California 92101-4100
Telephone: (619) 236-6220
Facsimile: (619) 236-6018

To the benefit of the City of San Diego, Exempt from fees per Gov't Code § 6103.

Attorneys for Defendants Kelly Broughton, Development Services Department of the City of San Diego, Afsaneh Ahmadi and The City of San Diego

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

| | |
|---|---|
| BLACKWATER LODGE AND TRAINING CENTER, INC., a Delaware Corporation dba BLACKWATER WORLDWIDE,<br><br>Plaintiff,<br><br>v.<br><br>KELLY BROUGHTON, in his capacity as Director the Development Services Department of the City of San Diego; THE DEVELOPMENT SERVICES DEPARTMENT OF THE CITY OF SAN DIEGO, an agency of the City of San Diego; AFSANEH AHMADI, in her capacity as the Chief Building Official for the City of San Diego; THE CITY OF SAN DIEGO, a municipal entity; and DOES 1-20, inclusive,<br><br>Defendants. | Case No. 08 CV 0926 H (WMC)<br><br>DEFENDANTS OPPOSITION TO PLAINTIFF BLACKWATER'S *EX PARTE* REQUEST FOR A TEMPORARY RESTRAINING ORDER<br><br>Date: June 2, 2008<br>Time: 10:30 a.m.<br>Courtroom: 13<br>Judge: Hon. Marilyn L. Huff |

## I.

## INTRODUCTION

On or about September 5, 2007, an entity operating under the project name "Southwest Law Enforcement Training Enterprise" filed a general application with the City of San Diego's Development Services Department ("DSD") to conduct "Tenant Improvements" at 7685 Siempre Viva Road located within the Otay Mesa Development District (the "building" or "site"). Exhibit "A" to the Declaration of Afsatteh Ahreadi, filed contemporaneously herewith. The existing use identified on the application was warehouse with offices. The proposed use identified on the application was identified as "same (no change)." The purpose of the application was to construct 44 feet of new partitions in existing office space. Accompanying the application was a signed Hazardous Materials Questionnaire where the applicant disclosed that there were no uses of explosives or blasting agents or other health hazards associated with the activity. The application identified the Lessee or Tenant as "Southwest Law Enforcement Training Enterprises" with an address in San Diego.

On or about February 7, 2008, another general application was submitted to the City of San Diego's DSD to conduct electrical work at the building for a project entitled "South West Police." Exhibit "B" to the Declaration of Afsatteh Ahreadi, filed contemporaneously herewith. The scope of the work included the installation of two new air conditioning units and six exhaust fans.

On or about February 7, 2008, a separate General Application was also submitted to DSD for structural work for this same site. Exhibit "C" to the Declaration of Afsatteh Ahreadi, filed contemporaneously herewith. The project description on the application was to "[a]dd [an] indoor firing range" that covered 5,000 square feet of the more then 60,000 square foot structure. The Hazardous Materials Questionnaire dated February 7, 2008 for the construction of the firing range did not identify any uses of explosives or blasting agents or other health hazards associated with this operation. The Lessee or Tenant was identified on this application as "Raven Development Group" with an address in North Carolina. The existing use of the building, as identified on the permit application, was for warehouse use.

Finally, on May 28, 2008, ***five days after*** the instant lawsuit was filed, a building permit application was filed with DSD to allow the addition of a "simulator/ride" within the property in question. Declaration of Afsatteh Ahreadi, ¶ 5, filed contemporaneously herewith.

Accordingly, at this time, the permits filed with the City of San Diego for the building in question only encompass approximately 5,000 square feet of the over 60,000 square foot structure. No permit application has been filed to allow any change in use of the building from anything other then a warehouse. However, Plaintiff Blackwater now requests that the City issue

Plaintiff Blackwater a certificate of occupancy so that it can occupy and utilize the entire facility. As will be shown below, for numerous reasons, Plaintiff Blackwater's request for a temporary restraining order ("TRO") should be denied.

## II.

## LEGAL ARGUMENT

### A. Land Use Regulation Within San Diego City Limits Rests with The City of San Diego

The legal basis for all land use regulation is the police power of the city to protect the public health, safety and welfare of its residents. *Berman v. Parker* 348 U.S. 26, 32-33 (1954). A land use regulation lies within the police power if it is reasonably related to the public welfare. *Associated Home Builders, Inc. v. City of Livermore* 18 Cal.3d 582 600-601 (1976). This police power is set forth in the California Constitution, which confers on cities the power to "make and enforce within [their] limits all local police, sanitary and other ordinances and regulations not in conflict with general laws." Cal. Const. Art. XI, § 7.

The police power is an elastic power. It allows cities to tailor regulations to suit the interests and needs of a "modern, enlightened and progressive community" even as those interests and needs change. *Rancho La Costa v. County of San Diego* 111 Cal.App.3d 54, 60 (1980). Regulations are sustained under current complex conditions that but a short time ago might have been condemned as arbitrary and unreasonable. *Euclid v. Ambler Realty Co.* 272 U.S. 365, 387 (1926).

Before a federal court may step in under a due process or equal protection claim, the local authority must be permitted to take final action on the matter so that the court can judge whether the local authority's position was arbitrary. *See Strickland v. Alderman* 74 F.3d 260 (11th Cir. 1996); *Landmark Land Co. of Oklahoma v. Buchanan* 874 F.2d 717 (10th Cir. 1989). Moreover, permit applicants cannot assert procedural due process claims under section 1983 based on denial of a building permit where the state law provides unsuccessful applicants with a sufficient state remedy, for example, mandamus, to cure random and unauthorized building permit denials. *See New Burnham Prairie Homes, Inc. v. Village of Burnham* 910 F.2d 1474 (7th Cir. 1990). Indeed, in the Ninth Circuit, courts often have held that land-use planning questions "touch a sensitive area of social policy" into which the federal courts should not lightly intrude. *See Bank of America v. Summerland County Water Dist.*, 767 F.2d 544, 546 (9th Cir.1985); *Kollsman v. City of Los Angeles,* 737 F.2d 830, 833 (9th Cir.1984), *cert. denied,* 105 S.Ct. 1179 (1985); *C-Y Development Co. v. City of Redlands,* 703 F.2d 375, 377 (9th Cir.1983); *Santa Fe Land Improvement Co. v. City of Chula Vista,* 596 F.2d 838, 840 (9th Cir.1979); *Sederquist v. City of Tiburon,* 590 F.2d 278, 281 (9th Cir.1978); *Rancho Palos Verdes Corp. v. City of Laguna Beach,* 547 F.2d 1092, 1094-1095 (9th Cir.1976).

In this instant case, the proper remedy for Plaintiff Blackwater to seek to compel the City of San Diego ("City") to issue the certificate of occupancy is to seek a California Code of Civil Procedure § 1085 writ of mandamus. Plaintiff has not so sought a writ of mandamus, but rather filed this instant lawsuit. In as much as Plaintiff Blackwater has failed to do pursue a writ of mandamus, Plaintiff Blackwater has failed to exhaust its state remedies. Accordingly, this instant lawsuit is not properly before this Court.

**B. Blackwater is Not Likely to Succeed on the Merits of Its Claim**

Plaintiff Blackwater's disingenuously claims that it is likely to succeed on the merits of this case. Plaintiff Blackwater's claim is disingenuous because Blackwater was not the applicant for any of the permits with the City of San Diego. Therefore, Plaintiff Blackwater cannot allege any violation of its Constitutional rights pursuant to 42 U.S.C. § 1983. Rather, it appears that Plaintiff Blackwater is seeking to assert an alleged Constitutional violation of a third party. However, in general, the federal courts have disallowed one party to assert the Constitutional violation of another. The United States Supreme Court, in *Broadrick v. Oklahoma* 413 U.S. 601 (1973), held that:

> Embedded in the traditional rules governing constitutional adjudication is the principle that a person to whom a statute may constitutionally be applied will not be heard to challenge that statute on the ground that it may conceivably be applied unconstitutionally to others, in other situations not before the Court. [citations omitted] A closely related principle is that constitutional rights are personal and may not be asserted vicariously. [citation omitted]

*Id.* at 610. The United States Supreme Court, also held that "[i]n the past, the Court has recognized some limited exceptions to these principles, but only because of the most 'weighty countervailing policies.' [citation omitted]" *Broadrick* at 611.

In this instant matter, Plaintiff Blackwater was not the applicant listed on any of the permit applications with the City. Plaintiff Blackwater was not listed as the owner of the property in question. Nor was Plaintiff Blackwater even listed as the lessee or tenant of the property. Yet, Blackwater now claims in its complaint that the City has violated its Constitutional rights to due process and equal protection of the laws. That being the case, Plaintiff Blackwater is asserting the Constitutional rights of some other entity. However, Plaintiff Blackwater has not argued any "weighty countervailing policies" that would allow it to escape the general rule that Constitutional violations are generally personal in nature, and thus, may not be asserted vicariously. Accordingly, Plaintiff Blackwater lacks standing to assert the Section 1983 claim for relief pled in its complaint.

**C. No Entity, including Blackwater, Applied for Any Permits Relating to Modifiying the Interior of the Structure and Using the Warehouse as a Vocational School**

Plaintiff Blackwater is not entitled to any certificate of occupancy for the entire building at this point as the City has yet to receive any permit application from any entity to allow a change in use in occupancy (from warehouse to vocational school) and allow the building of certain tenant improvements, including a ship bulk head.[1] In fact, the only permits applied for by any entity were for an indoor firing range totaling approximately 5,000 square feet, the installation of 44 feet of new partitions in existing office space and a general permit to conduct electrical work. Notably, no entity, including Plaintiff Blackwater has ever applied for a permit to change the use of the structure from warehouse to vocational school to allowing training.

These facts were confirmed in a conversation by Afsatteh Ahreadi, the DSD's Chief Building Official, on or about April 29, 2008, at the site with at least one representative of Blackwater, two representatives from the contractor, and potentially Blackwater's attorney.

[1] Plaintiff Blackwater apparently concedes this fact as on May 28, 2008, five days after it filed its complaint, it submitted a permit application to construct a simulator in the premises.

Declaration of Afsatteh Ahreadi, ¶ 6, filed contemporaneously herewith. In that conversation, Ms. Ahreadi indicated to these people that the projected needed a change of occupancy permit to allowing training to take place on the premises as the building's current use allowed only for warehouse use. Declaration of Afsatteh Ahreadi, ¶ 7, filed contemporaneously herewith. Ms. Ahreadi stated this fact to these persons as the plans for the project listed "training" as one of the uses for the facilities. Declaration of Afsatteh Ahreadi, ¶ 8, filed contemporaneously herewith. The use of "training" at the facility is considered a change of use. However, no one has submitted a permit application with the City to request this change in use. Declaration of Afsatteh Ahreadi, ¶ 9, filed contemporaneously herewith. Accordingly, no certificate of occupancy could be issued allowing for anyone to use the whole building for training as no permit application requesting a change of use has ever been filed. Declaration of Afsatteh Ahreadi, ¶ 10, filed contemporaneously herewith.

This fact was confirmed in a May 19, 2008 letter from Kelly Broughton, Director of Development Services, to Brian Bonfiglio, Vice President of Blackwater Worldwide, in which Mr. Broughton reiterated "[a]s the majority of the structure is still identified for warehouse uses, no other uses are permitted until a submission for a request of change in occupancy has been made and approved by the Development Services Department." Exhibit "D" to Plaintiff Blackwater's Complaint.

In as much as Plaintiff Blackwater has failed to obtain all permits necessary to convert the use of the structure from warehouse use to vocational school/training use, this Court should deny Plaintiff Blackwater's request for a temporary restraining order.

**D. Blackwater will Suffer No Irreparable Harm if the Temporary Restraining Order is Not Issued**

The purpose in issuing a temporary restraining order is to preserve the *status quo* pending a fuller hearing. *University of Texas v. Camenisch,* 451 U.S. 390, 395 (1981). The standard for issuing a temporary restraining order is the same as that for issuing a preliminary injunction. *Brown Jordan International, Inc. v. Mind's Eye Interiors, Inc.,* 236 F.Supp.2d 1152, 1154 (D.Hawai'i 2002). In the Ninth Circuit, a party seeking a preliminary injunction must show either

(1) a likelihood of success on the merits and the possibility of irreparable injury, or (2) the existence of serious questions going to the merits and the balance of hardships tipping in the movant's favor. *Roe v. Anderson,* 134 F.3d 1400, 1401-02 (9th Cir.1998). These formulations represent two points on a sliding scale in which the required degree of irreparable harm increases as the probability of success decreases. *Id.* at 1402.

Under either formulation of the test, the party seeking the injunction must demonstrate that it will be exposed to some significant risk of irreparable injury. *Caribbean Marine Servs. Co. v. Baldrige,* 844 F.2d 668 (9th Cir.1988). A plaintiff must do more than merely allege imminent harm sufficient to establish standing, he or she must demonstrate immediate threatened injury as a prerequisite to preliminary injunctive relief. *Los Angeles Memorial Coliseum Comm'n v. National Football League,* 634 F.2d 1197, 1201 (9th Cir.1980). Speculative injury does not constitute irreparable harm. *See Caribbean Marine Servs. Co. v. Baldrige,* 844 F.2d 668, 674 (9th Cir.1988); *Goldie's Bookstore, Inc. v. Superior Court,* 739 F.2d 466, 472 (9th Cir.1984).

When a civil rights violation is alleged, the Ninth Circuit has stated that "[a]n alleged constitutional infringement will often alone constitute irreparable harm." *Goldie's Bookstore v. Superior Ct.,* 739 F.2d 466, 472 (9th Cir.1984). However, the mere fact that a constitutional violation is alleged ***does not*** create an automatic presumption of irreparable harm. In fact, in the *Goldie's Bookstore* case, that court found that the plaintiff in that case was not entitled to such a presumption as the court found that the plaintiff had not demonstrated a sufficient likelihood of success on the merits of its constitutional claims to warrant the grant of a preliminary injunction as "the constitutional claim was too tenuous." *Id.* Moreover, in the Eleventh Circuit, that court has refused to presume irreparable injury from allegations of equal protection violations when it found the primary damage that plaintiff asserted to be "chiefly, if not completely, economic." *Northeastern Fla. Chapter of Ass'n of Gen. Contractors v. Jacksonville, Fla.* 896 F.2d 1283, 1285-1286 (11th Cir.1990)

Here Blackwater is attempting to use the request for a temporary restraining order to change the status quo. Currently, the building in question has not been issued an occupancy permit. Therefore, the building cannot be used for any other purposes but its existing approved purpose – a warehouse.

If this court denies Plaintiff Blackwater's request for a temporary restraining order, the alleged "harm" Plaintiff Blackwater will suffer is strictly monetary. Specifically, based on the allegations in the complaint, Plaintiff Blackwater has a contract to provide training classes to the U.S. Navy, and if it cannot fulfill that commitment, Blackwater, presumably will not be paid by the U.S. Navy for those classes. In fact, Plaintiff Blackwater agrees that its damages would only be monetary as it claims in its motion that the damage it may suffer without the issuance of the TRO is "harm to its reputation" which may lead to loss of other contracts. (Motion 21:20-27) Plaintiff Blackwater claims no other potential irreparable harm.

Moreover, if this Court denies Plaintiff Blackwater's request for a temporary restraining order, the U.S. Navy is not left without any potential training options. This is because the course Blackwater proposes to teach at the facility in question is not unique. This course, Security Reaction Forces – Basic (SRF-B), is taught by other entities all over the world for the U.S. Navy. Indeed, in San Diego, this exact same course is taught by San Diego City College. Actually, on or about May 10, 2008, the U.S. Navy extended San Diego City College's contract to teach the Security Reaction Forces – Basic (SRF-B) course. Exhibit "A" to the Declaration of Walter C. Chung, filed contemporaneously herewith.

Accordingly, Plaintiff Blackwater will not suffer any irreparable harm if this Court denies its request to issue a temporary restraining order compelling the City to issue Plaintiff Blackwater an occupancy certificate for the building. Therefore, this Court should deny said request.

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## III.

## CONCLUSION

Finally, as shown above, Blackwater is not likely to succeed on the merits of the case. Blackwater was not the applicant for any permit with the City. Accordingly, Blackwater lacks standing to assert an alleged Constitutional violation against the City, and thus, irreparable harm should not be presumed from the mere fact that they have pled a Section 1983 claim for relief.

Dated: May 29, 2008

MICHAEL J. AGUIRRE, City Attorney

By /s/ Walter C. Chung
DONALD McGRATH
WALTER C. CHUNG
Deputy City Attorney
Attorneys for Defendants Kelly Broughton, Development Services Department of the City of San Diego, Afsaneh Ahmadi, and The City of San Diego

MICHAEL J. AGUIRRE, City Attorney
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San Diego, California 92101-4100
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To the benefit of the City of San Diego, Exempt from fees per Gov't Code § 6103.

Attorneys for Defendants Kelly Broughton, Development Services Department of the City of San Diego, Afsaneh Ahmadi and The City of San Diego

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

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|---|---|
| BLACKWATER LODGE AND TRAINING CENTER, INC., a Delaware Corporation dba BLACKWATER WORLDWIDE,<br><br>Plaintiff,<br><br>v.<br><br>KELLY BROUGHTON, in his capacity as Director the Development Services Department of the City of San Diego; THE DEVELOPMENT SERVICES DEPARTMENT OF THE CITY OF SAN DIEGO, an agency of the City of San Diego; AFSANEH AHMADI, in her capacity as the Chief Building Official for the City of San Diego; THE CITY OF SAN DIEGO, a municipal entity; and DOES 1-20, inclusive,<br><br>Defendants. | Case No. 08 CV 0926 H (WMC)<br><br>DECLARATION OF WALTER C. CHUNG IN SUPPORT OF DEFENDANTS OPPOSITION TO PLAINTIFF BLACKWATER'S *EX PARTE* REQUEST FOR A TEMPORARY RESTRAINING ORDER<br><br>Date: June 2, 2008<br>Time: 10:30 a.m.<br>Courtroom: 13<br>Judge: Hon. Marilyn L. Huff |

I, Walter C. Chung, hereby declare as follows:

1. I am an attorney duly licensed to practice law in the State of California and before this Court. I am employed as a deputy city attorney in the Office of the San Diego City Attorney, counsel for the defendants herein. I have personal knowledge of the facts attested to herein, and could and would competently testify to the same if called upon to do so.

2. Attached hereto as Exhibit "A" is a true and correct copy of Anti-Terrorism/Force Protection Training Services – San Diego, Solicitation Number: N61339-03-D-0166.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 29, 2008 at San Diego, California.

Walter C. Chung

# EXHIBIT A

## Anti-Terrorism/Force Protection Training Services - San Diego

**Solicitation Number: N61339-03-D-0166**
Agency: Department of the Navy
Office: Naval Air Systems Command
Location: Naval Air Warfare Center Training Systems Division

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**Notice Type:**
Presolicitation

**Posted Date:**
April 10, 2008

**Response Date:**
April 25, 2008

**Archiving Policy:**
Automatic, 15 days after response date

**Archive Date:**
-

**Original Set Aside:**
N/A

**Set Aside:**
Total HBCU

**Classification Code:**
U -- Education & training services

**NAICS Code:**
611 -- Educational Services/611699 -- All Other Miscellaneous Schools and Instruction

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**Synopsis:**
Added: Apr 10, 2008 11:18 am
Naval Air Warfare Systems, Orlando Training Systems Division, in support of the Center for Security Forces, intends to issue a contract modification to San Diego City College, under contract N61339-03-D-0166, on a sole-source basis due to only one known responsible source who can meet the requirement until the full scope of the requirement can be solicited competitively. This contract extension will provide for instructional support of the Security Reaction Forces – Basic (SRF-B), Security Reaction Forces - Advanced (SRF-A), Antiterrorism/Force Protection Training Supervisor (TRASUP), Antiterrorism Officer (ATO), Small Arms Marksmanship Instructor (SAMI) and Non-Lethal Weapons Basic Instructor (NLW-BI) courses on an instructor only basis, and the Visit, Board, Search and Seizure Mechanical Breacher (VBSS MB) course on a turn-key basis, with the contractor providing all instructors, course materials, equipment and facilities. This contract modification will extend the period of performance for these courses from 31 May 2008 to 30 November 2008. Although more than one source may be able to fulfill the requirement, this would create substantial duplication of cost to the Government that is not expected to be recovered through a competition for the short term extension of services. The SRF-B training will provide Navy personnel the fundamentals of watch standing and the use of weapons. The SRF-A training will provide to personnel assigned to a security reaction force team the training and education for the prevention of threats, whether from the pier, small boat, or any other means from penetrating a unit, in accordance with current naval directives under normal and emergency situations. The TRASUP training will provide antiterrorism and force protection (ATFP) supervisors with the necessary knowledge and skills to oversee the day-to-day ATFP readiness of the unit, conduct initial and sustainment training for assigned ATFP personnel and function as the unit Navy ATFP tactics, techniques and procedures subject matter experts. The ATO course will provide effective briefing

EXHIBIT A

techniques and practical introduction to Terrorism, Terrorist Operations, Detecting Terrorist Surveillence, Individual Protective Measures, Hostage Survival, Threat Detection, Security Officer/Department Duties, Equipment Selection, Legal Issues, Use of Deadly Force, Rules of Engagement, Threat Management, Access Control, Security Surveys, Physical Security Plans, Barriers, Lighting, Personnel and Vehicle movement, Community/Public Relations, Bomb Threat Planning and Exercise and Threatcom Management Implementation. The SAMI course will provide Navy personnel the training required to perform duties of a small arms instructor and earn a Navy Enlisted classification or 0812, either ashore or afloat. The NLW-BI course graduates will be qualified as "basic instructors" and be certified to teach pressure point control techniques (PPCT), Empty Hand Control Techniques (ECHT), Handheld "Oleoresin Capsicum (OC)(i.e. pepper spray), batons and handcuffs (steel/flexi-cuffs). The VBSS-MB course will provide safe and effective training to designated surfaceship NCB VBSS team personnel to perform duties as mechanical breacher, utilizing appropriate breaching tools and techniques against various targets during non-compliant Maritime Interdiction Operations. The proposed contract action is for services for which the Government intends to solicit and negotiate with only one source under the authority of FAR 6.302-1. Interested persons may identify their interest and capability to respond to the requirement or submit proposals. This notice of intent is not a request for competitive proposals. However, all proposals received within 15 days after date of publication of this synopsis will be considered by the Government. A determination by the Government not to compete with this proposed contract based upon responses to this notice is solely within the discretion of the Government. Information received will normally be considered solely for the purpose of determining whether to conduct a competitive procurement. If you have any questions or concerns, please contact the Contract Specialist, Bradley C. Johnson, at Bradley.c.johnson1@navy.mil or call (407) 380-4808.

**Contracting Office Address:**
12350 Research Parkway Code 253
Orlando, Florida 32826-3224

**Place of Performance:**
San Diego, California 92136
United States

**Primary Point of Contact.:**
Rebeca A Gonzalez,
Contract Specialist
rebeca.gonzalez@navy.mil
Phone: 407-380-4524
Fax: 407-380-4164

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**Opportunity History**

- **Original Synopsis**
  Apr 10, 2008

MICHAEL J. AGUIRRE, City Attorney
DONALD McGRATH, Exec. Asst. City Attorney (SBN 44139)
WALTER C. CHUNG, Deputy City Attorney (SBN 163097)
Office of the City Attorney
1200 Third Avenue, Suite 1100
San Diego, California 92101-4100
Telephone: (619) 236-6220
Facsimile: (619) 236-6018

To the benefit of the City of San Diego, Exempt from fees per Gov't Code § 6103.

Attorneys for Defendants Kelly Broughton, Development Services Department of the City of San Diego, Afsaneh Ahmadi and The City of San Diego

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

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| BLACKWATER LODGE AND TRAINING CENTER, INC., a Delaware Corporation dba BLACKWATER WORLDWIDE,<br><br>Plaintiff,<br><br>v.<br><br>KELLY BROUGHTON, in his capacity as Director the Development Services Department of the City of San Diego; THE DEVELOPMENT SERVICES DEPARTMENT OF THE CITY OF SAN DIEGO, an agency of the City of San Diego; AFSANEH AHMADI, in her capacity as the Chief Building Official for the City of San Diego; THE CITY OF SAN DIEGO, a municipal entity; and DOES 1-20, inclusive,<br><br>Defendants. | Case No. 08 CV 0926 H (WMC)<br><br>DECLARATION OF AFSANEH AHMADI IN SUPPORT OF DEFENDANTS OPPOSITION TO PLAINTIFF BLACKWATER'S *EX PARTE* REQUEST FOR A TEMPORARY RESTRAINING ORDER<br><br>Date: June 2, 2008<br>Time: 10:30 a.m.<br>Courtroom: 13<br>Judge: Hon. Marilyn L. Huff |

I, Afsaneh Ahmadi, hereby declare as follows:

1. I am employed as the Chief Building Official for the City of San Diego's Developmental Services Department. I have personal knowledge of the facts attested to herein, and could and would competently testify to the same if called upon to do so.

2. Attached hereto as Exhibit "A" is a true and correct copy of a general application filed on September 5, 2007 with the City of San Diego's Development Services Department

("DSD") to conduct "Tenant Improvements" at 7685 Siempre Viva Road located within the Otay Mesa Development District.

3. Attached hereto as Exhibit "B" is a true and correct copy of a general application submitted to the City of San Diego's Developmental Services Department on or about February 7, 2008 to conduct electrical work at the building for a project entitled "South West Police."

4. Attached hereto as Exhibit "C" is a true and correct copy of a separate General Application submitted to the Developmental Services Department on or about February 7, 2008.

5. On May 28, 2008, a building permit application was filed with the Development Services Department to allow the addition of a "simulator/ride" within the property in question.

6. On or about April 29, 2008, I had a conversation with several people at the Development Services Department in question. To the best of my recollection, the people in attendance included at least one representative of Blackwater, two representatives from the contractor, and potentially Blackwater's attorney.

7. In this conversation of April 29, 2008, I stating to those people that to use the warehouse for training, the plans have to be reviewed per California Building Code and issued a separate permit as the building's current use allowed only for warehouse use.

8. I recall stating to these persons that a building permit is required to change the occupancy of the warehouse was required because the plans for the project listed "training" as one of the uses for the facilities.

9. However, to date, no one has submitted a permit application with the City to request this change in use/occupancy.

10. Accordingly, no certificate of occupancy could be issued allowing for anyone to use the whole building for training as no permit application requesting a change of use has ever been filed.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 29, 2008 at San Diego, California.

[signature]

Afsaneh Ahmadi

# EXHIBIT A

Ex A Page 1

City of San Diego
**Development Services**
1222 First Ave., MS-301
San Diego, CA 92101-4154
(619) 446-5000

THE CITY OF SAN DIEGO

# General Application

**Part I** (Complete for all permits/approvals)

**1. Approval Type:** *Check appropriate box for type of approval needed. Separate electrical, plumbing and/or mechanical permits are required for projects other than single-family residences or duplexes* • ☐ **Electrical** • ☐ **Plumbing/Mechanical** • ☐ **Sign**
• **Construction Permits:** ☐ Structure ☐ Grading ☐ Public Right-of-Way; • ☐ **Subdivision** • ☐ **Demolition/Removal**
• **Development Permits:** ☐ Neighborhood Use ☐ Coastal ☐ Neighborhood Development ☐ Site Development ☐ Planned Development ☐ Conditional Use ☐ Variance • ☐ **Vesting Tentative Map** • ☐ **Tentative Map** • ☐ **Map Waiver** • ☑ **Other** TENANT IMPROVEMENTS

**2. Project Address:** *Include Building or Suite No.* 7685 SIEMPRE VIVA RD.
**Project Title:** SW LAW ENFORCEMENT
**Project No.** *For City Use Only* 138860

**Legal Description:** *(Lot, Block, Subdivision Name & Map Number OR Parcel and Parcel Map Number)* PARCEL 6 MAP 19008
**Assessor's Parcel No.** 667-060-3500

**Existing Use:** WEAREHOUSE WITH OFFICES
**Proposed Use:** SAME (NO CHANGE)
**Total Floor Area:** 61,599

**Project Description:** 44 FEET OF NEW PARTITIONS IN EXISTING OFFICE SPACE

**3. Engineer/Architect/Designer Name** ARCADIS US, INC.
Fax Number (919) 854-5448
Address 801 CORPORATE CENTER DR. ST300 City RALEIGH State NC Zip Code 27607 Telephone (919) 854-1282

**4. Property Owner/Lessee Tenant Name** *Please check one* ☐ Owner ☑ Lessee or Tenant
SOUTWEST LAW ENFORCEMENT TRAINING ENTERPRISES
Fax Number
Address 7685 SIEMPRE VIVA RD. City SAN DIEGO State CA Zip Code 92154 Telephone

**Part II** (Complete for building, plumbing, electrical, mechanical or sign permits)

**5. Contractor Name** *(not required for development permits)* NOBLE CONSTRUCTION CONSULTANTS INC.
Fax Number (619) 278-0905
Address 1112 SUTTER STREET City SAN DIEGO State CA Zip Code 92103 Telephone (619) 278-0904
State License No. 895401 License Class B City Business Tax No. B2006016257

**Licensed Contractor's Declaration:** I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.
Signature [signature] Title PRESIDENT Date 09/05/07

**6. Workers' Compensation Declaration:** I hereby affirm under penalty of perjury one of the following declarations:

☐ a. I have and will maintain a certificate of consent to self-insure for workers' compensation as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

☑ b. I have and will maintain workers' compensation, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:
Insurance Company HARTFORD Policy No. 76WEGPT9611 Expiration Date 03/15/08

This section need not be completed if the permit is for one hundred dollars ($100) or less).

☑ c. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions
Signature [signature] Date 09/05/07

**Warning:** Failure to secure workers' compensation coverage is unlawful, and shall subject an employer to criminal penalties and civil fines up to one hundred thousand dollars ($100,000), in addition to the cost of compensation, damages as provided for in Section 3706 of the Labor Code, interest, and attorney's fees.

**7. Owner-Builder Declaration:** I hereby affirm that I am exempt from the Contractor's License Law for the following reason [Sec. 7031.5, Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractor's License Law (Chapter 9, commencing with Section 7000, of Division 3 of the Business and Professions Code) or that he is exempt therefrom, and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars ($500)]:

☐ I, as owner of the property, or my employees with wages as their sole compensation, will do the work and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale.).

☐ I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and contracts for such projects with contractor(s) licensed pursuant to the Contractor's License Law).

☐ I am exempt under Section ________ B.&P.C. for this reason.

Signature ______________________ Date ______________

**8. Construction Lending Agency:** I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civ. C). If the name of the lending agency is not known, the word "unknown" should be written here.

Lender's Name: ______________ Lender's Address: ______________

CONTINUED ON REVERSE SIDE

EXHIBIT A

Ex A-2

| Project Address: *Include Building or Suite No.* | Project No. *For City Use Only* |
|---|---|
| 7685 Siempre Viva Rd. | |

**Part III** *(Complete as required)*

**9. Financially Responsible Party** (complete for projects requiring a deposit account)

| Name/Firm Name | | | Address | |
|---|---|---|---|---|
| City | State | Zip Code | Telephone | Fax No. |

**Financially Responsible Party Declaration:** I understand that City expenses may exceed the estimated advance deposit and, when requested by the City of San Diego, will provide additional funds to maintain a positive balance. Further, the sale or other disposition of the property does not relieve the individual or Company/Corporation of their obligation to maintain a positive balance in the trust account, unless the City of San Diego approves a Change of Responsible Party and transfer of funds. Should the account go into deficit, all City work may stop until the requested advance deposit is received.

☐ This is a continuation of existing project ______________________ Please use the existing deposit account ____________

Print Name:______________________________ Title: ______________________________

Signature* ______________________________ Date: ______________________________

*The name of the individual and the person who signs this declaration must be the same. If a corporation is listed, a corporate officer must sign the declaration (President, Vice-President, Chairman, Secretary or Treasurer)

**10. Public Notice Certification:** *(To be completed when a public notice package is required.)*
I hereby certify that the names and addresses submitted with the Public Notice package are current and accurate for the project site and for all of the properties located within 300 feet of the exterior boundaries of the property described in this application, and that the Assessor's Parcel Number and ownership information were obtained from the latest adopted San Diego County Tax Roll, and any update thereto, maintained in the office of the San Diego County Tax Assessor on ______________ 20___. I understand that if it is found that any of this information is incorrect, the applicant will have to file a new and corrected list of impacted property owners and occupants with the City and any public hearing conducted for the project application may be declared null and void by the decision-making body or by the courts and the application may have to be refiled and the processing fee/deposit paid again

Signature ______________________________Title ______________________________Date ______________

**Part IV** *(Complete for all permits/approvals)*

**11. Applicant Information:** ☐ Property Owner ☒ Authorized Agent for Property Owner ☐ Other Entitled Person

| Name: | | | | Fax Number |
|---|---|---|---|---|
| Oscar Zazueta | | | | 619-278-0905 |
| Address | City | State | Zip Code | Telephone |
| 1112 Sutter Street | San Diego | CA | 92103 | 619-278-0904 |

**Applicant's Signature:** I certify that I have read this application and state that the above information is correct, and that I am the property owner, authorized agent of the property owner, or other person having a legal right, interest, or entitlement to the use of the property that is the subject of this application (Municipal Code Section 112.0102). I understand that the applicant is responsible for knowing and complying with the governing policies and regulations applicable to the proposed development or permit. The City is not liable for any damages or loss resulting from the actual or alleged failure to inform the applicant of any applicable laws or regulations, including before or during final inspections. City approval of a permit application, including all related plans and documents, is not a grant of approval to violate any applicable policy or regulation, nor does it constitute a waiver by the City to pursue any remedy, which may be available to enforce and correct violations of the applicable policies and regulations.

Signature [signature] Date 09/05/07

## Important Instructions to Applicant

California State law requires every permit applicant to provide specific information and certain declarations regarding the proposed work. ***The following instructions describe who may sign the required declarations.***

**Licensed Contractor**
This statement may be signed by the contractor or a corporate officer of a construction company including President, Vice President, Secretary, Treasurer, Trustee, Chairman of the Board or Responsible Managing Employee (RME). An agent for the contractor may sign only when a letter of authorization from the contractor authorizing the agent to sign is presented at permit issuance. The person signing must list his/her title.

**Workers' Compensation Declaration**
This statement may be signed by the contractor, owner, tenant, lessee or an authorized agent of one of these. A valid Certificate of Workers' Compensation Insurance must be presented at permit issuance. The certificate:

a. Must show the name of the insured.

b. Must list the policy number, effective date, and expiration date of the insurance policy.

If item 6.c. is checked, only the contractor or owner may sign this area, **NOT AN AGENT**. This section is signed only when the owner or contractor will have no employees on the job. If, after signing the exemption from the Workers' Compensation provisions of the Labor Code, the contractor or owner-builder should become subject to such provisions, they must forthwith comply. In the event they do not comply with the Workers' Compensation Law, the permit shall be deemed revoked.

**Owner-Builder Declaration**
This statement may be signed by the owner, lessee, tenant, architect, engineer, licensed pest control operator, or an authorized agent of any of these. In every case, a separate Owner-Builder Verification form (DS-3042) must also be signed by the owner.

Ex A-3

5/6/08 2:02 pm

# Inspection Plan

THE CITY OF SAN DIEGO
Development Services
1222 First Avenue, San Diego, CA 92101-4154

L64A-021

## Project Information

Project Nbr: 138862 Title: Southwest Law Enforcement
Project Mgr: D'Orsi, Donna (619)446-5184 ddorsi@sandiego.gov

## Job Information

Job: 7685 SIEMPRE VIVA RD
APN: 667-060-3500
Street Address: 7685 SIEMPRE VIVA RD
Parcel Owner: SAFCHILD INVESTMENTS L L C\
Thomas Brothers: 1351-F4

## Approval Information

Approval Nbr: 4 83606
Approval Type: Building Permit
Issue: 09/06/07 12:11 pn By: Robinson, Timberlin
Cancel Reason:
Precancel Status:
Approval Status: Completed
Owner occupied: ☐
Overriden: ☐
Will Expire: 08/31/08 5:00 pm
Extension Quantity: 0
Closed: 2/21/08 8:30 am By: Hernandez, Carlos

Scope: OTAY MESA: Building permit for interior tenant improvment. Scope of work is 44 lf of interior partition wall.
OMDD-INDUST-SUB CT:100.07 Geo:53

**Inspection Group: 579800 Inspection Tier 1**
**Inspection Group: 579801 Inspection Tier 2**

| Insp | Type / Subtype | Status | Inspector / Note | Scheduled | Performed End | Result |
|---|---|---|---|---|---|---|
| 1054221 | Structural - Frame<br>All Rough Framing [Pass] | Completed | Hernandez, Carlos<br>pend electr. | 02/08/08 8:00 am | 02/08/08 3:06 pm | Pass |
| 1054223 | Structural - Lath & Drywall<br>All Lath & Drywall [Pass]<br>Drywall [Pass] | Completed | Hernandez, Carlos | 02/11/08 8:00 am | 02/11/08 3:53 pm | Pass |
| 1054224 | Structural - Suspended Ceiling<br>Suspended Ceiling [Pass] | Completed | Hernandez, Carlos | 02/19/08 8:00 am | 02/19/08 4:19 pm | Pass |
| 1054509 | Fire - Sprinkler(s) Final<br>All Fire Sprinkler Reqmts [Pass] | Completed | Carter, Ron | 02/15/08 8:00 am | 02/19/08 4:00 pm | Pass |
| 1054510 | Fire - Final (2)<br>All Fire Final [Pass] | Completed | Carter, Ron | 02/15/08 8:00 am | 02/19/08 4:00 pm | Pass |

**Inspection Group: 579802 Inspection Tier 3**

| Insp | Type / Subtype | Status | Inspector / Note | Scheduled | Performed End | Result |
|---|---|---|---|---|---|---|
| 1054219 | Structural - Final(3)<br>Final [Pass] | Completed | Hernandez, Carlos | 02/20/08 8:00 am | 02/20/08 4:00 pm | Pass |

# Project Status Report

Ex A - 4 5/6/08 3:13 pm

THE CITY OF SAN DIEGO
Development Services
1222 First Avenue, San Diego, CA 92101-4154

L64A-050

## Project Information

**Project Nbr:** **138862** **Title:** Southwest Law Enforcement **Job Order:**

**Project Mgr:** D'Orsi, Donna (619)446-5184 ddorsi@sandiego.gov **Expiration Date:** 8/31/2008

**Scope:** OTAY MESA: Building permit for interior tenant improvment. Scope of work is 44 lf of interior partition wall, no electrical,mechanical or plubming. OMDD-INDUST-SUB CT:100.07 Geo:53

## Customer Information

| Customer | Firm | Role | Phone |
|---|---|---|---|
| Nobel | Nobel Construction Consultants | Point of Contact | (619)278-0904 |
| Arcadis Us | Arcadis Us, Inc | Architect | (919)854-1282 |
| John Jackson | Sunshine Permit Service Inc | Point of Contact | (619)559-1704 |
| Nobel | Nobel Construction Consultants | Contractor - Gen | (619)278-0904 |
| Oscar Zazueta | Oz Design Lab | Point of Contact | (619)302-3857 |
| Nobel | Nobel Construction Consultants | Inspection Contact | (619)278-0904 |

## Job Information

**Job:** 7685 SIEMPRE VIVA RD **Street Address:** 7685 SIEMPRE VIVA RD **Thomas Brothers:** 1351-F4

**APN:** 667-706-3500 **Parcel Owner:** SAFCHILD INVESTMENTS L L C\

## Approval Information

| Approval Nbr | Type | Status | Issued | Issued By | Will Expire | Cancel |
|---|---|---|---|---|---|---|
| 4 83606 | Building Permit | Completed | 09/06/2007 | Robinson, Timberlin | 08/31/2008 | |

## Project Fee

| Fee Description | Qty Needed | Qty Paid | Units | Invoice Status | Note |
|---|---|---|---|---|---|
| Mapping | 1 | 1 | Each | Paid on 219121 | |
| General Plan Maintenance | 1 | 1 | Each | Paid on 219121 | |

# Fee Status Report

Ex A - 5

5/6/08 3:13 pm

Page 1 of 1

THE CITY OF SAN DIEGO
Development Services
1222 First Avenue, San Diego, CA 92101-4154

L64A-030

## Project Information

**Project Nbr:** **138862** **Title:** Southwest Law Enforcement

**Project Mgr:** D'Orsi, Donna (619)446-5184 ddorsi@sandiego.gov

## Project Fee Status

| Fee Type | Qty Needed | Qty Paid | Fee Type Unit | Invoice Status | Qty Last Updated By | Qty Last Updated Dt |
|---|---|---|---|---|---|---|
| General Plan Maintenance | 1.00 | 1.00 | Each | Paid on 219121 | D'Orsi, Donna | **09/06/2007 9:13 am** |
| Mapping | 1.00 | 1.00 | Each | Paid on 219121 | D'Orsi, Donna | **09/06/2007 9:14 am** |

## Job Information

**Job:** 7685 SIEMPRE VIVA RD **Street Address:** 7685 SIEMPRE VIVA RD **Thomas Brothers:** 1351-F4

**APN:** 667-060-3500 **Parcel Owner:** SAFCHILD INVESTMENTS L L C\

## Approval Information

Approval Nbr: **4 83606** **Type:** Building Permit **Status:** Completed

**Scope:** OTAY MESA: Building permit for interior tenant improvment.
Scope of work is 44 lf of interior partition wall.
OMDD-INDUST-SUB CT:100.07 Geo:53

**Issue:** 09/06/2007 **Expiration Date:** 08/31/2008

## Fee Status for Approval Nbr 4 83606

| Fee Type | Qty Needed | Qty Paid | Fee Type Unit | Invoice Status | Qty Last Updated By | Qty Last Updated Dt |
|---|---|---|---|---|---|---|
| Fire Service Hourly Fee | 6.00 | 6.00 | Hours | Paid on 219121 | Foley, Vicki | **09/06/2007 11:46 am** |
| Partition-Interior/Comm BP | 44.00 | 44.00 | Linear Feet | Paid on 219121 | D'Orsi, Donna | **09/06/2007 9:13 am** |
| Partition-Interior/Comm PC | 44.00 | 44.00 | Linear Feet | Paid on 219121 | D'Orsi, Donna | **09/06/2007 9:13 am** |
| Permit Issuance/with Plans | 1.00 | 1.00 | Each | Paid on 219121 | D'Orsi, Donna | **09/06/2007 9:12 am** |
| Seismic Fee (Bldg Permit) | 1,848.00 | 1,848.00 | Valuation -CBC | Paid on 219121 | D'Orsi, Donna | **09/06/2007 9:13 am** |
| State Fee (Bldg Permit) | 1,848.00 | 1,848.00 | Valuation -CBC | Paid on 219121 | D'Orsi, Donna | **09/06/2007 9:13 am** |
| Storm Water Pln Chck < 1 Acre | 1.00 | 1.00 | Each | Paid on 219121 | D'Orsi, Donna | **09/06/2007 9:54 am** |

THE CITY OF SAN DIEGO

City of San Diego
Development Services
Information and Application Services

1222 First Ave., MS-301
San Diego, CA 92101
Appointments (619) 446-5300
Information (619) 446-5000

| OFFICE USE ONLY |
|---|
| UPFP#: |
| HV: |
| BP DATE: / / |

# HAZARDOUS MATERIALS QUESTIONNAIRE

| | | | | |
|---|---|---|---|---|
| Business Name: SOUTHWEST LAW ENFORCEMENT TRAINING ENTERPRISE. | Business Contact: BILL BOHAC | | Telephone #: (619) 757-7399 | |
| Project Address: 7685 SIEMPRE VIVA RD | City: SAN DIEGO | State: CA | Zip Code: 92154 | APN#: 667-060-3500 |
| Mailing Address: 1112 SUTTER STREET | City: SAN DIEGO | State: CA | Zip Code: 92103 | Plan File#: 138862 |
| Project Contact: BILL BOHAC | | | Telephone #: (619) 757-7399 | |

**The following questions represent the facility's activities, NOT the specific project description.**

**PART I: FIRE DEPARTMENT – HAZARDOUS MATERIALS DIVISION: OCCUPANCY CLASSIFICATION:** Will your business use, process, store or dispense any of the following hazardous materials? Indicate by circling the item(s) that apply. If any of the items are circled (except item 15), a San Diego Fire Department Hazardous Materials Information Sheet (form FPB-500) must be submitted with your project review to: Planning & Development Review, Fire Hazardous Materials Plan Review, 1222 First Avenue, 4th Floor, San Diego, CA 92101 (619) 446-5438.

1. Explosive or Blasting Agents
2. Compressed Gases
3. Flammable/Combustible Liquids
4. Flammable Solids
5. Organic Peroxides
6. Oxidizers
7. Pyrophorics
8. Unstable Reactives
9. Water Reactives
10. Cryogenics
11. Highly Toxic or Toxic Materials
12. Radioactives
13. Corrosives
14. Other Health Hazards
15. None of These. (circled)

**PART II: SAN DIEGO COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH – HAZARDOUS MATERIALS DIVISIONS (HMD):** If the answer to any of the questions is yes, applicant must contact the County of San Diego Hazardous Materials Division, 1255 Imperial Avenue, 3rd floor, San Diego, CA 92101. Call (619) 338-2222 prior to the issuance of a building permit.

FEES ARE REQUIRED.

Expected Date of Occupancy: / /

| | YES | NO | |
|---|---|---|---|
| 1. | ☐ | ☑ | Is your business listed on the reverse side of this form? (check all that apply). |
| 2. | ☐ | ☑ | Will your business dispose of Hazardous Substances or Medical Waste in any amount? |
| 3. | ☐ | ☑ | Will your business store or handle Hazardous Substances in quantities equal to or greater than 55 gallons, 500 pounds, 200 cubic feet, or carcinogens/reproductive toxins in any quantity? |
| 4. | ☐ | ☑ | Will your business use an existing or install an underground storage tank? |
| 5. | ☐ | ☑ | Will your business store or handle Regulated Substances (CalARP)? |
| 6. | ☐ | ☑ | Will your business use or install a Hazardous Waste Tank System (Title 22, Article 10)? |

☐ CalARP Exempt — Date / Initials

☐ CalARP Required — Date / Initials

☐ CalARP Complete — Date / Initials

**PART III: SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT (APCD):** If the answer to any of the questions below is yes, applicant must contact the Air Pollution Control District (APCD), 10124 Old Grove Road, San Diego, CA 92131-1649, telephone (858) 586-2600 prior to the issuance of a building or demolition permit. Note: if the answer to questions 3 or 4 is yes, applicant must also submit an asbestos notification form to the APCD at least 10 working days prior to commencing demolition or renovation, except demolition or renovation of residential structures of four units or less. Contact the APCD for more information.

| | YES | NO | |
|---|---|---|---|
| 1. | ☐ | ☑ | Will the subject facility or construction activities include operations or equipment that emit or are capable of emitting an air contaminant? (See the APCD factsheet at http://www.sdapcd.org/info/facts/permits.pdf, and the list of typical equipment requiring an APCD permit on the reverse side of this from. Contact APCD if you have any questions). |
| 2. | ☐ | ☐ | (ANSWER ONLY IF QUESTION 1 IS YES) Will the subject facility be located within 1,000 feet of the outer boundary of a school (K through 12)? (Public and private schools may be found after search of the California School Directory at http://www.cde.ca.gov/re/sd/; or contact the appropriate school district). |
| 3. | ☐ | ☑ | Will there be renovation that involves handling of any friable asbestos materials, or disturbing any material that contains non-friable asbestos? |
| 4. | ☐ | ☑ | Will there be demolition involving the removal of a load supporting structural member? |

Briefly describe business activities: LAW ENFORCEMENT TRAINING

Briefly describe proposed project: REVISED OFFICE AREA LAYOUT

I declare under penalty of perjury that to the best of my knowledge and belief the responses made herein are true and correct.

OSCAR CAZUELA
Name of owner or Authorized Agent

[signature]
Signature of Owner or Authorized Agent

09/05/07
Date

FOR OFFICIAL USE ONLY:
FIRE DEPARTMENT OCCUPANCY CLASSIFICATION: ____________

BY: ____________ DATE: / /

| EXEMPT OR NO FURTHER INFORMATION REQUIRED | | RELEASED FOR BUILDING PERMIT BUT NOT FOR OCCUPANCY | | RELEASED FOR OCCUPANCY | |
|---|---|---|---|---|---|
| COUNTY-HMD | APCD | COUNTY-HMD | APCD | COUNTY-HMD | APCD |
| | | | | | |

Ex A-7

Project : 138862 Development: 3951

Project Type: Ministerial Status: Inspecting

Project Mgr: D'Orsi, Donna 446-5184 Job Order:

System Managed: Current: ☑ Always: ☑ Matrix Code: C

minary Review Wanted: ☐ Create Date: 9/6/2007 09:06 AM

Status Date: 9/6/2007 09:15 AM

Processing Code: Standard Deemed Complete: 9/6/2007 09:15 AM

Expedite Reason: Application Date: 9/6/2007 05:00 PM

Expiration Code: 360 days Expiration Date: 8/31/2008 05:00 PM

Title: Southwest Law Enforcement

Scope: OTAY MESA: Building permit for interior tenant improvment. Scope of work is 44 lf of interior partition wall, no electrical,mechanical or plubming. OMDD-INDUST-SUB CT:100.07 Geo:53

Added: DDORSI 9/6/2007 09:11 AM

Updated: IVR 2/7/2008 05:09 PM

Southwest Law Enforcement Trng Enter.
7685 Siempre Viva Rd
made several copies

partition revision: storage of ammo

# EXHIBIT B

Ex B-1

City of San Diego
Development Services
1222 First Ave., MS-301
San Diego, CA 92101-4154
(619) 446-5000

THE CITY OF SAN DIEGO

# General Application

E - 491250

**Part I** (Complete for all permits/approvals)

1. **Approval Type:** *Check appropriate box for type of approval needed. Separate electrical, plumbing and/or mechanical permits are required for projects other than single-family residences or duplexes* • ☒ **Electrical** • ☐ **Plumbing/Mechanical** • ☐ **Sign**
• **Construction Permits:** ☐ Structure ☐ Grading ☐ Public Right-of-Way; • ☐ **Subdivision** • ☐ **Demolition/Removal**
• **Development Permits:** ☐ Neighborhood Use ☐ Coastal ☐ Neighborhood Development ☐ Site Development ☐ Planned Development ☐ Conditional Use ☐ Variance • ☐ **Vesting Tentative Map** • ☐ **Tentative Map** • ☐ **Map Waiver** • ☐ **Other** ______

2. **Project Address:** *Include Building or Suite No.* 7685 Siempre Viva Rd
**Project Title:** South West Police
**Project No.** *For City Use Only* 140766
**Legal Description:** *(Lot, Block, Subdivision Name & Map Number OR Parcel and Parcel Map Number)*
**Assessor's Parcel No.**
**Existing Use:** Commercial Warehouse
**Proposed Use:**
**Total Floor Area:**
**Project Description:** Electrical T.I.

3. **Engineer/Architect/Designer Name** — Fax Number
Address — City — State — Zip Code — Telephone

4. **Property Owner/Lessee Tenant Name** *Please check one* ☒ Owner ☐ Lessee or Tenant — Fax Number
SAfthild Invest LLC
Address: 1875 Century Park East #1040 — City: LA — State: CA — Zip Code: 90067 — Telephone

5. **Contractor Name** *(not required for development permits)* — Fax Number
Rowan Electric
Address: 2782 Loker Ave West — City: Carlsbad — State: CA — Zip Code: 92010 — Telephone: 760-692-0700
State License No. 746-837 — License Class: C-10 — City Business Tax No. 86001194

**Licensed Contractor's Declaration:** I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.
Signature [signature] Title V.P. Date 2-7-08

**Part II** (Complete for building, plumbing, electrical, mechanical or sign permits)

6. **Workers' Compensation Declaration:** I hereby affirm under penalty of perjury one of the following declarations:

☐ a. I have and will maintain a certificate of consent to self-insure for workers' compensation as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

☒ b. I have and will maintain workers' compensation, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:
Insurance Company Zenith Policy No. Z068142302 Expiration Date 3/1/08
(This section need not be completed if the permit is for one hundred dollars ($100) or less).

☐ c. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions
Signature [signature] Date 2-7-08

**Warning:** Failure to secure workers' compensation coverage is unlawful, and shall subject an employer to criminal penalties and civil fines up to one hundred thousand dollars ($100,000), in addition to the cost of compensation, damages as provided for in Section 3706 of the Labor Code, interest, and attorney's fees.

7. **Owner-Builder Declaration:** I hereby affirm that I am exempt from the Contractor's License Law for the following reason (Sec. 7031.5, Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractor's License Law (Chapter 9, commencing with Section 7000, of Division 3 of the Business and Professions Code) or that he is exempt therefrom, and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars ($500)):

☐ I, as owner of the property, or my employees with wages as their sole compensation, will do the work and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale.).

☐ I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and contracts for such projects with contractor(s) licensed pursuant to the Contractor's License Law).

☐ I am exempt under Section ______ B.&P.C. for this reason.

Signature ______ Date ______

8. **Construction Lending Agency:** I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civ. C). If the name of the lending agency is not known, the word "unknown" should be written here.

Lender's Name: ______ Lender's Address: ______

CONTINUED ON REVERSE SIDE

EXHIBIT B

Ex B2 1-1-57

Project Address (Include Building or Suite No.) 7685 Siempre Viva Rd | Project No. For City Use Only 140766

**Part III** *(Complete as required)*

**9. Financially Responsible Party** (complete for projects requiring a deposit account)

| Name/Firm Name | | | Address | |
|---|---|---|---|---|
| City | State | Zip Code | Telephone | Fax No. |

**Financially Responsible Party Declaration:** I understand that City expenses may exceed the estimated advance deposit and, when requested by the City of San Diego, will provide additional funds to maintain a positive balance. Further, the sale or other disposition of the property does not relieve the individual or Company/Corporation of their obligation to maintain a positive balance in the trust account, unless the City of San Diego approves a Change of Responsible Party and transfer of funds. Should the account go into deficit, all City work may stop until the requested advance deposit is received.

☐ This is a continuation of existing project ______ Please use the existing deposit account ______

Print Name: ______ Title: ______

Signature* ______ Date: ______

*The name of the individual and the person who signs this declaration must be the same. If a corporation is listed, a corporate officer must sign the declaration (President, Vice-President, Chairman, Secretary or Treasurer)

**10. Public Notice Certification:** *(To be completed when a public notice package is required.)*
I hereby certify that the names and addresses submitted with the Public Notice package are current and accurate for the project site and for all of the properties located within 300 feet of the exterior boundaries of the property described in this application, and that the Assessor's Parcel Number and ownership information were obtained from the latest adopted San Diego County Tax Roll, and any update thereto, maintained in the office of the San Diego County Tax Assessor on ______ 20___. I understand that if it is found that any of this information is incorrect, the applicant will have to file a new and corrected list of impacted property owners and occupants with the City and any public hearing conducted for the project application may be declared null and void by the decision-making body or by the courts and the application may have to be refiled and the processing fee/deposit paid again

Signature [signature] Title V.P. Date 2-7-08

**Part IV** *(Complete for all permits/approvals)*

**11. Applicant Information:** ☐ Property Owner ☐ Authorized Agent for Property Owner ☐ Other Entitled Person

| Name: | | | | Fax Number |
|---|---|---|---|---|
| Address | City | State | Zip Code | Telephone |

**Applicant's Signature:** I certify that I have read this application and state that the above information is correct, and that I am the property owner, authorized agent of the property owner, or other person having a legal right, interest, or entitlement to the use of the property that is the subject of this application (Municipal Code Section 112.0102). I understand that the applicant is responsible for knowing and complying with the governing policies and regulations applicable to the proposed development or permit. The City is not liable for any damages or loss resulting from the actual or alleged failure to inform the applicant of any applicable laws or regulations, including before or during final inspections. City approval of a permit application, including all related plans and documents, is not a grant of approval to violate any applicable policy or regulation, nor does it constitute a waiver by the City to pursue any remedy, which may be available to enforce and correct violations of the applicable policies and regulations.

Signature [signature] Date 2-7-08

## Important Instructions to Applicant

California State law requires every permit applicant to provide specific information and certain declarations regarding the proposed work.
***The following instructions describe who may sign the required declarations.***

**Licensed Contractor**
This statement may be signed by the contractor or a corporate officer of a construction company including President, Vice President, Secretary, Treasurer, Trustee, Chairman of the Board or Responsible Managing Employee (RME). An agent for the contractor may sign only when a letter of authorization from the contractor authorizing the agent to sign is presented at permit issuance. The person signing must list his/her title.

**Workers' Compensation Declaration**
This statement may be signed by the contractor, owner, tenant, lessee or an authorized agent of one of these. A valid Certificate of Workers' Compensation insurance must be presented at permit issuance. The certificate:

a. Must show the name of the insured.

b. Must list the policy number, effective date, and expiration date of the insurance policy.

If item 6.c. is checked, only the contractor or owner may sign this area, NOT AN AGENT. This section is signed only when the owner or contractor will have no employees on the job. If, after signing the exemption from the Workers' Compensation provisions of the Labor Code, the contractor or owner-builder should become subject to such provisions, they must forthwith comply. In the event they do not comply with the Workers' Compensation Law, the permit shall be deemed revoked.

**Owner-Builder Declaration**
This statement may be signed by the owner, lessee, tenant, architect, engineer, licensed pest control operator, or an authorized agent of any of these. In every case, a separate Owner-Builder Verification form (DS-3042) must also be signed by the owner.

# Inspection Plan

THE CITY OF SAN DIEGO
Development Services
1222 First Avenue, San Diego, CA 92101-4154

Ex B-3

L64A-021

## Project Information

Project Nbr: **140766** Title: Southwest Law - Misc Permits
Project Mgr: Tran, Thinh (619)446-5436 tqtran@sandiego.gov

## Job Information

Job: 7685 SIEMPRE VIVA RD Street Address: 7685 SIEMPRE VIVA RD Thomas Brothers: 1351-F4
APN: 667-060-3500 Parcel Owner: SAFCHILD INVESTMENTS L L C\

## Approval Information

Approval Nbr: **4 91249** Approval Status: Issued
Approval Type: Mechanical Permit Owner occupied: ☐ Overriden: ☐
Issue: 10/01/07 12:09 pn By: D'Orsi, Donna Will Expire: 12/15/08 5:00 pm
Cancel Reason: Extension Quantity: 0
Precancel Status: Closed: By:
Scope: OTAY MESA - Mechanical permit with plans. Scope of work to include: Install 2 new AC units, 6 Exhaust fans. *** Electrical permit under seperate permit*** OMDD-INDUST-SUB CT:100.07 Geo:53

**Inspection Group: 588941 Inspection Tier 1**
**Inspection Group: 588942 Inspection Tier 2**

| Insp | Type / Subtype | Status | Inspector / Note | Scheduled | Performed End | Result |
|---|---|---|---|---|---|---|
| 1068800 | Mechanical - Final(2)<br>Mechanical Final [Pass] | Completed | Gaspar jr, Joe | 02/15/08 8:00 am | 02/15/08 3:53 pm | Pass |
| 1068801 | Mechanical - Rough<br>All Rough Mechanical [Fail] | Completed | Richards, Walt<br>re-fee imposed per W. Richards | 02/13/08 8:00 am | 02/13/08 4:00 pm | Fail |

**Inspection Group: 588943 Inspection Tier 3**

## Approval Information

Approval Nbr: **4 91250** Approval Status: Completed
Approval Type: Electrical Permit Owner occupied: ☐ Overriden: ☐
Issue: 02/08/08 2:33 pm By: Diaz, Connie Will Expire: 02/02/09 5:00 pm
Cancel Reason: Extension Quantity: 0
Precancel Status: Closed: 3/21/08 4:15 pm By: Counsell, Monty
Scope:

**Inspection Group: 588944 Inspection Tier 1**
**Inspection Group: 588945 Inspection Tier 2**

| Insp | Type / Subtype | Status | Inspector / Note | Scheduled | Performed End | Result |
|---|---|---|---|---|---|---|
| 1141960 | Electrical - Rough<br>All Rough [Fail] | Completed | Gustine, Chad<br>no approved plans on site | 02/11/08 8:00 am | 02/11/08 4:00 pm | Fail |
| 1141961 | Electrical - Final (2)<br>Final [Pass]<br>Stormwater Const BMPs [Pass] | Completed | Zuranski, Denise | 02/15/08 8:00 am | 02/15/08 4:00 pm | Pass |
| 1142553 | Electrical - Rough<br>All Rough [Partial Pass] | Completed | Zuranski, Denise<br>walls and tbar | 02/12/08 8:00 am | 02/12/08 4:00 pm | Partial Pass |
| 1172082 | Electrical - Final (2)<br>Final [Pass]<br>Stormwater Const BMPs [Pass] | Completed | Counsell, Monty | 03/21/08 8:00 am | 03/21/08 4:00 pm | Pass |

**Inspection Group: 588946 Inspection Tier 3**

Ex B-4

# Project Status Report

5/6/08 2:01 pm

THE CITY OF SAN DIEGO
Development Services
1222 First Avenue, San Diego, CA 92101-4154

L64A-050

Page 1 of 1

## Project Information

Project Nbr: **140766** Title: Southwest Law - Misc Permits Job Order:

Project Mgr: Tran, Thinh (619)446-5436 tqtran@sandiego.gov

Scope; OTAY MESA - Mechanical permit with plans. Scope of work to include: Install 2 new AC units, 6 Exhaust fans. *** Electrical permit under seperate permit*** OMDD-INDUST-SUB CT:100.07 Geo:53

## Customer Information

| Customer | Firm | Role | Phone |
|---|---|---|---|
| Mark Rowan | Rowan Electric | Point of Contact | (619)247-9910 |
| Noble | Noble Construction Consultants | Point of Contact | (619)278-0904 |
| Matt Hendry | TSA contracting | Point of Contact | (858)761-8180 |
| Nobel | Nobel Construction Consultants | Contractor - Gen | (619)278-0904 |
| Harry Vansickle | | Point of Contact | - |
| Bill Bohac | | Point of Contact | (619)593-2935 |
| Noble | Noble Construction Consultants | Inspection Contact | (619)278-0904 |

## Job Information

Job: 7685 SIEMPRE VIVA RD Street Address: 7685 SIEMPRE VIVA RD Thomas Brothers: 1351-F4

APN: 667-706-3500 Parcel Owner: SAFCHILD INVESTMENTS L L C\

## Approval Information

| Approval Nbr | Type | Status | Issued | Issued By | Will Expire | Cancel |
|---|---|---|---|---|---|---|
| 4 91249 | Mechanical Permit | Issued | 10/01/2007 | D'Orsi, Donna | 12/15/2008 | |
| 4 91250 | Electrical Permit | Completed | 02/08/2008 | Diaz, Connie | 02/02/2009 | |

## Project Fee

| Fee Description | Qty Needed | Qty Paid | Units | Invoice Status | Note |
|---|---|---|---|---|---|
| General Plan Maintenance | 1 | 1 | Each | Paid on 238962 | |

5×B-5

Project : 140766

Development: 5951

Project Type: Ministerial

Status: Inspecting

Project Mgr: Tran, Thinh

446-5436

Job Order:

System Managed: Current: ☑ Always: ☑

Matrix Code: C

Preliminary Review Wanted: ☐

Create Date: 10/1/2007 11:04 AM

Status Date: 10/1/2007 11:52 AM

Processing Code: Standard

Deemed Complete:

Expedite Reason:

Application Date: 10/1/2007 12:09 PM

Expiration Code: 360 days

Expiration Date:

Title: Southwest Law - Misc Permits

Scope: OTAY MESA - Mechanical permit with plans. Scope of work to include: Install 2 new AC units, 6 Exhaust fans. *** Electrical permit under seperate permit*** OMDD-INDUST-SUB CT:100.07 Geo:53

Added: TQTRAN 10/1/2007 11:11 AM

Updated: IVR 2/8/2008 02:57 PM

# EXHIBIT C

Ex C-1

City of San Diego
Development Services
1222 First Ave., MS-301
San Diego, CA 92101-4154
(619) 446-5000

THE CITY OF SAN DIEGO

529104

(B) 529104

# General Application

Part I (Complete for all permits/approvals)

**1. Approval Type:** *Check appropriate box for type of approval needed. Separate electrical, plumbing and/or mechanical permits are required for projects other than single-family residences or duplexes* • ☐ **Electrical** • ☐ **Plumbing/Mechanical** • ☐ **Sign**
• **Construction Permits:** ☑ Structure ☐ Grading ☐ Public Right-of-Way; • ☐ **Subdivision** • ☐ **Demolition/Removal**
• **Development Permits:** ☐ Neighborhood Use ☐ Coastal ☐ Neighborhood Development ☐ Site Development ☐ Planned Development ☐ Conditional Use ☐ Variance • ☐ **Vesting Tentative Map** • ☐ **Tentative Map** • ☐ **Map Waiver** • ☐ **Other** ______

**2. Project Address:** *Include Building or Suite No.* 7685 Siempre Viva Road
**Project Title:** Southwest Law Enforcement
**Project No.** *For City Use Only* 150059
**Legal Description:** *(Lot, Block, Subdivision Name & Map Number OR Parcel and Parcel Map Number)*
**Assessor's Parcel No.**
**Existing Use:** Warehouse
**Proposed Use:** Training Facility
**Total Floor Area:** 5000
**Project Description:** Add indoor firing range

**3. Engineer/Architect/Designer Name** SDSE Structural Engineers
Fax Number 619-297-4913
Address 3838 Camino Del Rio North Suite 110 City San Diego State CA Zip Code 92108 Telephone 619-297-2223

**4. Property Owner/Lessee Tenant Name** *Please check one* ☐ Owner ☑ Lessee or Tenant
Raven Development Group
Fax Number
Address P.O. Box 1029 City Manteo, NC. State Zip Code 27958 Telephone 252-435-0045

**5. Contractor Name** *(not required for development permits)* TSA Contracting Inc.
Fax Number 858-784-3651
Address 4350 Executive Drive Suite 300 City San Diego State CA Zip Code 92121 Telephone 858-784-3650
State License No. 847198 License Class B City Business Tax No. 2004015184

**Licensed Contractor's Declaration:** I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

Signature [signature] Title Sr. V.P. Date 2-8-8

Part II (Complete for building, plumbing, electrical, mechanical or sign permits)

**6. Workers' Compensation Declaration:** I hereby affirm under penalty of perjury one of the following declarations:

☐ a. I have and will maintain a certificate of consent to self-insure for workers' compensation as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

☑ b. I have and will maintain workers' compensation, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Insurance Company State Compensation Ins Fund Policy No. 1757583-2007 Expiration Date 1-1-09

(This section need not be completed if the permit is for one hundred dollars ($100) or less).

☐ c. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions

Signature Margaret Jackson Date 2-08-08

**Warning:** Failure to secure workers' compensation coverage is unlawful, and shall subject an employer to criminal penalties and civil fines up to one hundred thousand dollars ($100,000), in addition to the cost of compensation, damages as provided for in Section 3706 of the Labor Code, interest, and attorney's fees.

**7. Owner-Builder Declaration:** I hereby affirm that I am exempt from the Contractor's License Law for the following reason [Sec. 7031.5, Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractor's License Law (Chapter 9, commencing with Section 7000, of Division 3 of the Business and Professions Code) or that he is exempt therefrom, and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars ($500)]:

☐ I, as owner of the property, or my employees with wages as their sole compensation, will do the work and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale.).

☐ I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and contracts for such projects with contractor(s) licensed pursuant to the Contractor's License Law).

☐ I am exempt under Section __________B.&P.C. for this reason.

Signature ______ Date ______

**8. Construction Lending Agency:** I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civ. C). If the name of the lending agency is not known, the word "unknown" should be written here.

Lender's Name: N/A Lender's Address: ______

CONTINUED ON REVERSE SIDE

EXHIBIT C

Exc-2

Project Address (Include Building or Suite No.): 7685 Siempre VIVA Rd.

Project No. (For City Use Only): 150059

**Part III** *(Complete as required)*

**9. Financially Responsible Party** (complete for projects requiring a deposit account)

Name/Firm Name | Address

City | State | Zip Code | Telephone | Fax No.

**Financially Responsible Party Declaration:** I understand that City expenses may exceed the estimated advance deposit and, when requested by the City of San Diego, will provide additional funds to maintain a positive balance. Further, the sale or other disposition of the property does not relieve the individual or Company/Corporation of their obligation to maintain a positive balance in the trust account, unless the City of San Diego approves a Change of Responsible Party and transfer of funds. Should the account go into deficit, all City work may stop until the requested advance deposit is received.

☐ This is a continuation of existing project ____________ Please use the existing deposit account ____________

Print Name: ____________ Title: ____________

Signature* ____________ Date: ____________

*The name of the individual and the person who signs this declaration must be the same. If a corporation is listed, a corporate officer must sign the declaration (President, Vice-President, Chairman, Secretary or Treasurer)

**10. Public Notice Certification:** *(To be completed when a public notice package is required.)*
I hereby certify that the names and addresses submitted with the Public Notice package are current and accurate for the project site and for all of the properties located within 300 feet of the exterior boundaries of the property described in this application, and that the Assessor's Parcel Number and ownership information were obtained from the latest adopted San Diego County Tax Roll, and any update thereto, maintained in the office of the San Diego County Tax Assessor on ____________ 20___. I understand that if it is found that any of this information is incorrect, the applicant will have to file a new and corrected list of impacted property owners and occupants with the City and any public hearing conducted for the project application may be declared null and void by the decision-making body or by the courts and the application may have to be refiled and the processing fee/deposit paid again

Signature ____________ Title ____________ Date ____________

**Part IV** *(Complete for all permits/approvals)*

**11. Applicant Information:** ☐ Property Owner ☒ Authorized Agent for Property Owner ☐ Other Entitled Person

Name: BRUCE Stone | Fax Number: 858-784-3651

Address: 4350 Executive Drive Suite 301 | City: San Diego | State: CA. | Zip Code: 92121 | Telephone: 858-784-3650

**Applicant's Signature:** I certify that I have read this application and state that the above information is correct, and that I am the property owner, authorized agent of the property owner, or other person having a legal right, interest, or entitlement to the use of the property that is the subject of this application (Municipal Code Section 112.0102). I understand that the applicant is responsible for knowing and complying with the governing policies and regulations applicable to the proposed development or permit. The City is not liable for any damages or loss resulting from the actual or alleged failure to inform the applicant of any applicable laws or regulations, including before or during final inspections. City approval of a permit application, including all related plans and documents, is not a grant of approval to violate any applicable policy or regulation, nor does it constitute a waiver by the City to pursue any remedy, which may be available to enforce and correct violations of the applicable policies and regulations.

Signature [signature] Date 2/7/08

## Important Instructions to Applicant

California State law requires every permit applicant to provide specific information and certain declarations regarding the proposed work. ***The following instructions describe who may sign the required declarations.***

**Licensed Contractor**
This statement may be signed by the contractor or a corporate officer of a construction company including President, Vice President, Secretary, Treasurer, Trustee, Chairman of the Board or Responsible Managing Employee (RME). An agent for the contractor may sign only when a letter of authorization from the contractor authorizing the agent to sign is presented at permit issuance. The person signing must list his/her title.

**Workers' Compensation Declaration**
This statement may be signed by the contractor, owner, tenant, lessee or an authorized agent of one of these. A valid Certificate of Workers' Compensation Insurance must be presented at permit issuance. The certificate:

a. Must show the name of the insured.
b. Must list the policy number, effective date, and expiration date of the insurance policy.

If item 6.c. is checked, only the contractor or owner may sign this area, **NOT AN AGENT.** This section is signed only when the owner or contractor will have no employees on the job. If, after signing the exemption from the Workers' Compensation provisions of the Labor Code, the contractor or owner-builder should become subject to such provisions, they must forthwith comply. In the event they do not comply with the Workers' Compensation Law, the permit shall be deemed revoked.

**Owner-Builder Declaration**
This statement may be signed by the owner, lessee, tenant, architect, engineer, licensed pest control operator, or an authorized agent of any of these. In every case, a separate Owner-Builder Verification form (DS-3042) must also be signed by the owner.

# Approval

5/6/08 1:44 pm

Page 1 of 1

THE CITY OF SAN DIEGO
Development Services
1222 First Avenue, San Diego, CA 92101-4154

L64A-005

## Project Information

Project Nbr: 150059 Title: Southwest Law Modular Bldg

Project Mgr: Vega, Jama (619)687-5935 jvega@sandiego.gov

## Approval Information

Approval Nbr: 5 29104 Type: Building Permit Status: Completed

Issued: 03/19/2008 9:09 am Issued By: Ferrara, Troy

Completed: 05/05/2008 6:49 am Completed By: Aguirre, Fernando

Extension Qty: 0 Extended By:

Scope: Building permit to add modular training unit inside of extg warehouse for extg Southwest Law Enforcement facility. CT:100.07

Issued To: Raven Development Group, - Raven Development Gr

Expiration Date: 03/15/2009 5:00 pm

Owner Occupied: ☐

Cancel Reason:

Overridden: ☐

Precancel Status:

Land Doc Type:

Recorded Map No.:

Recorded Date:

## Job Location

| Address | Description | Assessor Parcel |
|---|---|---|
| 7685 SIEMPRE VIVA RD | 7685 SIEMPRE VIVA RD | 667-060-3500 |

## Bureau of Census (BC) Codes

| BC Code |
|---|
| Add/Alt Tenant Improvements |

## Fee Type Units

| Fee Type | Amount |
|---|---|
| Valuation -CBC | 138,192.60 |

## Fee Worksheet

| Fee | Quantity | Unit | Category |
|---|---|---|---|
| BP Warehouse,NonRated | 5,062.00 | Square Feet | Issuance Fees |
| Express-Building Plan Check | 990.02 | Dollars | Plan Check Fees |
| Fire Service Hourly Fee | 5.00 | Hours | Issuance Fees |
| Hazardous Materials Fee | 1.00 | Each | Issuance Fees |
| PC Warehouse,NonRated | 5,062.00 | Square Feet | Plan Check Fees |
| Permit Issuance/with Plans | 1.00 | Each | Issuance Fees |
| Seismic Fee (Bldg Permit) | 138,192.60 | Valuation -CBC | Issuance Fees |
| State Fee (Bldg Permit) | 138,192.60 | Valuation -CBC | Issuance Fees |
| Storm Water Pln Chck < 1 Acre | 1.00 | Each | Plan Check Fees |

Exc 4

# Approval Exceptions

THE CITY OF SAN DIEGO
Development Services
1222 First Avenue, San Diego, CA 92101-4154

L64A-011

5/6/08 1:42 pm

Page 1 of 1

## Project Information

**Project Nbr:** 150059 **Title:** Southwest Law Modular Bldg

**Project Mgr:** Vega, Jama (619) 687-5935 jvega@sandiego.gov

## Job Information

**Job:** 7685 SIEMPRE VIVA RD **Street Address:** 7685 SIEMPRE VIVA RD **Thomas Brothers:** 1351-F4

**APN:** 667-706-3500 **Parcel Owner:** SAFCHILD INVESTMENTS L L C\

## Approval Information

Approval Nbr: **5 29104** **Type:**Building Permit **Status:** Completed

**Issue:**03/19/2008 **Expiration Date:** 03/15/2009

Scope:Building permit to add modular training unit inside of extg warehouse for extg Southwest Law Enforcement facility. CT:100.07

Ex C-5

5/6/08 1:57 pm

THE CITY OF SAN DIEGO
Development Services
1222 First Avenue, San Diego, CA 92101-4154

L64A-021

## Project Information

Project Nbr: 150059 Title: Southwest Law Modular Bldg

Project Mgr: Vega, Jama (619)687-5935 jvega@sandiego.gov

## Job Information

Job: 7685 SIEMPRE VIVA RD Street Address: 7685 SIEMPRE VIVA RD Thomas Brothers: 1351-F4

APN: 667-060-3500 Parcel Owner: SAFCHILD INVESTMENTS L L C\

## Approval Information

Approval Nbr: 5 29104 Approval Status: Completed

Approval Type: Building Permit Owner occupied: ☐ Overriden: ☐

Issue: 03/19/08 9:09 am By: Ferrara, Troy Will Expire: 03/15/09 5:00 pm

Cancel Reason: Extension Quantity: 0

Precancel Status: Closed: 5/5/08 6:49 am By: Aguirre, Fernando

Scope: Building permit to add modular training unit inside of extg warehouse for extg Southwest Law Enforcement facility. CT:100.07

Inspection Group: 633518 Inspection Tier 1

Inspection Group: 633519 Inspection Tier 2

| Insp | Type / Subtype | Status | Inspector / Note | Scheduled | Performed End | Result |
|---|---|---|---|---|---|---|
| 1140715 | Structural - Frame<br>All Rough Framing [Fail] | Completed | Hernandez, Carlos<br>info only | 03/21/08 8:00 am | 03/21/08 3:25 pm | Fail |
| 1140718 | Structural - Suspended Ceiling<br>Suspended Ceiling [Fail] | Completed | Hernandez, Carlos<br>info only. heavy duct system. ds13a | 04/11/08 8:00 am | 04/11/08 11:36 am | Fail |
| 1141188 | Fire - Final (2)<br>All Fire Final [Pass]<br>Exiting [Pass] | Completed | Pereira, Sergio | 03/26/08 8:00 am | 04/07/08 4:00 pm | Pass |
| [illegible]3064 | Structural - Frame<br>All Rough Framing [Fail] | Completed | Hernandez, Carlos<br>info only | 03/24/08 8:00 am | 03/24/08 3:27 pm | Fail |
| 1174153 | Structural - Frame<br>All Rough Framing [Pass] | Completed | Aguirre, Fernando<br>ni2bfnl | 04/30/08 8:00 am | 04/30/08 6:03 pm | Pass |

Inspection Group: 633520 Inspection Tier 3

| Insp | Type / Subtype | Status | Inspector / Note | Scheduled | Performed End | Result |
|---|---|---|---|---|---|---|
| 1140713 | Structural - Final(3)<br>Final [Pass] | Completed | Aguirre, Fernando | 04/30/08 8:00 am | 04/30/08 4:00 pm | Pass |

| Issue Nbr | Created By | Issue Description | Cleared By | Cleared Date | Note |
|---|---|---|---|---|---|
| 68236 | Doudar, Ziad | All expansion anchors into existing concrete. | Hernandez, Carlos | 4/25/08 8:24 am | Special inspection mitigation plan approved by Ziad Doudar, with special inspection report from Mario Battaglia SD # 350 for visual inspections and testing of anchor bolts. |
| 68237 | Doudar, Ziad | All steel fabrication and welding shall be done in an approved shop. | Hernandez, Carlos | 4/25/08 8:24 am | Special inspection mitigation plan approved by Ziad Doudar, with special inspection report from Mario Battaglia SD # 350 for visual inspections and testing of anchor bolts. |
| 68238 | Doudar, Ziad | During all field welding. | Hernandez, Carlos | 4/25/08 8:24 am | Special inspection mitigation plan approved by Ziad Doudar, with special inspection report from Mario Battaglia SD # 350 for visual inspections and testing of anchor bolts. |
| 68239 | Doudar, Ziad | During all structural steel bolting. | Doudar, Ziad | 3/17/08 10:53 am | A307 bolts do not require special inspection. |

# Inspection Plan

Ex C-6

5/6/08 1:57 pm

THE CITY OF SAN DIEGO
Development Services
1222 First Avenue, San Diego, CA 92101-4154

L64A-021

**Inspection Group:** 633520 **Inspection Tier 3**

## Approval Information

| | | | |
|---|---|---|---|
| Approval Nbr: | **5 39694** | Approval Status: | Completed |
| Approval Type: | Mechanical Permit | Owner occupied: | ☐ Overriden: ☐ |
| Issue: | 04/07/08 12:10 pn By: Khalifah, Janeth | Will Expire: | 04/02/09 5:00 pm |
| Cancel Reason: | | Extension Quantity: | 0 |
| Precancel Status: | | Closed: | 5/6/08 7:34 am By: Hernandez, Frank |
| Scope: | | | |

**Inspection Group:** 647435 **Inspection Tier 1**

**Inspection Group:** 647436 **Inspection Tier 2**

| Insp | Type / Subtype | Status | Inspector / Note | Scheduled | Performed End | Result |
|---|---|---|---|---|---|---|
| 1182314 | Mechanical - Final(2)<br>Mechanical Final [Fail] | Completed | Hernandez, Frank | 04/08/08 8:00 am | 04/08/08 3:54 pm | Fail |
| 1185903 | Mechanical - Final(2) | Cancelled | Hernandez, Frank | 04/30/08 8:00 am | | |
| 1200100 | Mechanical - Final(2)<br>Mechanical Final [Pass] | Completed | Hernandez, Frank<br>calculations for duct support approved by structural inspector | 05/01/08 8:00 am | 05/01/08 3:57 pm | Pass |

**Inspection Group:** 647437 **Inspection Tier 3**

Exc-7

THE CITY OF SAN DIEGO

City of San Diego
Development Services
Information and Application Services

1222 First Ave., MS-301
San Diego, CA 92101
Appointments (619) 446-5300
Information (619) 446-5000

**OFFICE USE ONLY**
UPFP#: ____________
HV: ____________
BP DATE: ___/___/___

# HAZARDOUS MATERIALS QUESTIONNAIRE

| | | | | |
|---|---|---|---|---|
| Business Name: TSA Contracting Inc | Business Contact: Bruce F. Stone | | Telephone #: (858) 784-3650 | |
| Project Address: 7685 Siempre Viva Road | City: San Diego | State: CA | Zip Code: 9. | APN#: 667-060-35-00 |
| Mailing Address: 4350 Executive Drive, Suite 301 | City: San Diego | State: CA. | Zip Code: 92121 | Plan File#: 150059 |
| Project Contact: David Reed | | | Telephone #: (858) 784-3650 | |

**The following questions represent the facility's activities, NOT the specific project description.**

**PART I: FIRE DEPARTMENT – HAZARDOUS MATERIALS DIVISION: OCCUPANCY CLASSIFICATION:** Will your business use, process, store or dispense any of the following hazardous materials? Indicate by circling the item(s) that apply. If any of the items are circled (except item 15), a San Diego Fire Department Hazardous Materials Information Sheet (form FPB-500) must be submitted with your project review to: Planning & Development Review, Fire Hazardous Materials Plan Review, 1222 First Avenue, 4th Floor, San Diego, CA 92101 (619) 446-5438.

1. Explosive or Blasting Agents
2. Compressed Gases
3. Flammable/Combustible Liquids
4. Flammable Solids
5. Organic Peroxides
6. Oxidizers
7. Pyrophorics
8. Unstable Reactives
9. Water Reactives
10. Cryogenics
11. Highly Toxic or Toxic Materials
12. Radioactives
13. Corrosives
14. Other Health Hazards
15. None of These. (circled)

**PART II: SAN DIEGO COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH – HAZARDOUS MATERIALS DIVISIONS (HMD):** If the answer to any of the questions is yes, applicant must contact the County of San Diego Hazardous Materials Division, 1255 Imperial Avenue, 3rd floor, San Diego, CA 92101. Call (619) 338-2222 prior to the issuance of a building permit.

FEES ARE REQUIRED.

Expected Date of Occupancy: 2/15/08

| | YES | NO | |
|---|---|---|---|
| 1. | ☐ | ☑ | Is your business listed on the reverse side of this form? (check all that apply). |
| 2. | ☐ | ☑ | Will your business dispose of Hazardous Substances or Medical Waste in any amount? |
| 3. | ☐ | ☑ | Will your business store or handle Hazardous Substances in quantities equal to or greater than 55 gallons, 500 pounds, 200 cubic feet, or carcinogens/reproductive toxins in any quantity? |
| 4. | ☐ | ☑ | Will your business use an existing or install an underground storage tank? |
| 5. | ☐ | ☑ | Will your business store or handle Regulated Substances (CalARP)? |
| | ☐ | ☑ | Will your business use or install a Hazardous Waste Tank System (Title 22, Article 10)? |

☐ CalARP Exempt
Date / Initials

☐ CalARP Required
Date / Initials

☐ CalARP Complete
Date / Initials

**PART III: SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT (APCD):** If the answer to any of the questions below is yes, applicant must contact the Air Pollution Control District (APCD), 10124 Old Grove Road, San Diego, CA 92131-1649, telephone (858) 586-2600 prior to the issuance of a building or demolition permit. Note: if the answer to questions 3 or 4 is yes, applicant must also submit an asbestos notification form to the APCD at least 10 working days prior to commencing demolition or renovation, except demolition or renovation of residential structures of four units or less. Contact the APCD for more information.

| | YES | NO | |
|---|---|---|---|
| 1. | ☐ | ☑ | Will the subject facility or construction activities include operations or equipment that emit or are capable of emitting an air contaminant? (See the APCD factsheet at http://www.sdapcd.org/info/facts/permits.pdf, and the list of typical equipment requiring an APCD permit on the reverse side of this from. Contact APCD if you have any questions). |
| 2. | ☐ | ☑ | (ANSWER ONLY IF QUESTION 1 IS YES) Will the subject facility be located within 1,000 feet of the outer boundary of a school (K through 12)? (Public and private schools may be found after search of the California School Directory at http://www.cde.ca.gov/re/sd/; or contact the appropriate school district). |
| 3. | ☐ | ☑ | Will there be renovation that involves handling of any friable asbestos materials, or disturbing any material that contains non-friable asbestos? |
| 4. | ☐ | ☑ | Will there be demolition involving the removal of a load supporting structural member? |

Briefly describe business activities: Training Facility for Law Enforcement

Briefly describe proposed project: Build firing range

I declare under penalty of perjury that to the best of my knowledge and belief the responses made herein are true and correct.

Bruce F. Stone
Name of owner or Authorized Agent

[signature]
Signature of Owner or Authorized Agent

2/7/08
Date

FOR OFFICIAL USE ONLY:
FIRE DEPARTMENT OCCUPANCY CLASSIFICATION: ____________

BY: ____________ DATE: ___/___/___

| EXEMPT OR NO FURTHER INFORMATION REQUIRED | | RELEASED FOR BUILDING PERMIT BUT NOT FOR OCCUPANCY | | RELEASED FOR OCCUPANCY | |
|---|---|---|---|---|---|
| COUNTY-HMD | APCD | COUNTY-HMD | APCD | COUNTY-HMD | APCD |
| | | | | | |

Ex C-8

# LIST OF BUSINESSES THAT REQUIRE REVIEW AND APPROVAL FROM THE COUNTY OF SAN DIEGO DEPARTMENT OF ENVIRONMENTAL HEALTH – HAZARDOUS MATERIALS DIVISION

**Check all that apply:**

## AUTOMOTIVE
- ☐ Battery Manufacturing/Recycling
- ☐ Boat Yard
- ☐ Car Wash
- ☐ Dealership Maintenance/Painting
- ☐ Machine Shop
- ☐ Painting
- ☐ Radiator Shop
- ☐ Rental Yard Equipment
- ☐ Repair/Preventive Maintenance
- ☐ Spray Booth
- ☐ Transportation Services
- ☐ Wrecking/Recycling

## CHEMICAL HANDLING
- ☐ Agricultural supplier/distributor
- ☐ Chemical Manufacturer
- ☐ Chemical Supplier/Distributor
- ☐ Coatings/Adhesive
- ☐ Compressed Gas Supplier/Distributor
- ☐ Dry Cleaning
- ☐ Fiberglass/Resin Application
- ☐ Gas Station
- ☐ Industrial Laundry
- ☐ Laboratory
- ☐ Laboratory Supplier/Distributor
- ☐ Oil and Fuel Bulk Supply
- ☐ Pesticide Operator/Distributor

## CHEMICAL HANDLING
- ☐ Photographic Processing
- ☐ Pool Supplies/Maintenance
- ☐ Printing/Blue Printing
- ☐ Road Coatings
- ☐ Swimming Pool
- ☐ Toxic Gas Handler
- ☐ Toxic Gas Manufacturer

## METAL WORKING
- ☐ Anodizing
- ☐ Chemical Milling/Etching
- ☐ Finish-Coating/Painting
- ☐ Flame Spraying
- ☐ Foundry
- ☐ Machine Shop-Drilling/Lathes/Mills
- ☐ Metal Plating
- ☐ Metal Prepping/Chemical Coating
- ☐ Precious Metal Recovery
- ☐ Sand Blasting/Grinding
- ☐ Steel Fabricator
- ☐ Wrought Iron Manufacturing

## AEROSPACE
- ☐ Aerospace Industry
- ☐ Aircraft Maintenance
- ☐ Aircraft Manufacturing

## OTHERS AND MISCELLANEOUS
- ☐ Asphalt Plant
- ☐ Biotechnology/Research
- ☐ Chiropractic Office
- ☐ Co-Generation Plant
- ☐ Dental Clinic/Office
- ☐ Dialysis Center
- ☐ Emergency Generator
- ☐ Frozen Food Processing Facility
- ☐ Hazardous Waste Hauler
- ☐ Hospital/Convalescent Home
- ☐ Laboratory/Biological Lab
- ☐ Medical Clinic/Office
- ☐ Nitrous Oxide ($NO_x$) Control System
- ☐ Pharmaceuticals
- ☐ Public Utility
- ☐ Refrigeration System
- ☐ Rock Quarry
- ☐ Ship Repair/Construction
- ☐ Telecommunications Cell Site
- ☐ Veterinary Clinic/Hospital
- ☐ Wood/Furniture Manufacturing/Refinishing

## ELECTRONICS
- ☐ Electronic Assembly/Sub-Assembly
- ☐ Electronic Components Manufacturing
- ☐ Printed Circuit Board Manufacturing

NOTE: THE ABOVE LIST INCLUDES BUSINESSES, WHICH TYPICALLY USE, STORE, HANDLE, AND DISPOSE OF HAZARDOUS SUBSTANCES. ANY BUSINESS NOT INCLUDED ON THIS LIST, WHICH HANDLES, USES OR DISPOSES OF HAZARDOUS SUBSTANCES MAY STILL REQUIRE HAZARDOUS MATERIALS DIVISION (HMD) REVIEW OF BUSINESS PLANS. FOR MORE INFORMATION CALL (619) 338-2222.

# LIST OF AIR POLLUTION CONTROL DISTRICT PERMIT CATEGORIES

Businesses, which include any of the following operations or equipment, will require clearance from the Air Pollution Control District.

## CHEMICAL
47 – Organic Gas Sterilizers
32 – Acid Chemical Milling
33 – Can & Coil Manufacturing
44 – Evaporators, Dryers & Stills Processing Organic Materials
24 – Dry Chemical Mixing & Detergent Spray Towers
35 – Bulk Dry Chemicals Storage
55 – Chrome Electroplating Tanks

## COATINGS & ORGANIC SOLVENTS
27 – Coating & Painting
37 – Plasma Arc & Ceramic Deposition Spray Booths
38 – Paint, Stain & Ink Mfg
27 – Printing
27 – Polyester Resin/Fiberglass Operations

## METALS
18 – Metal Melting Devices
19 – Oil Quenching & Salt Baths
32 – Hot Dip Galvanizing
39 – Precious Metals Refining

## ORGANIC COMPOUND MARKETING (GASOLINE, ETC)
25 – Gasoline & Alcohol Bulk Plants & Terminals
25 – Intermediate Refuelers
26 – Gasoline & Alcohol Fuel Dispensing

## COMBUSTION
34 – Piston Internal – Combustion Engines
13 – Boilers & Heaters (1 million BTU/hr or larger)
14 – Incinerators & Crematories
15 – Burn Out Ovens
16 – Core Ovens
20 – Gas Turbines, and Turbine Test Cells & Stands
48 – Landfill and/or Digester Gas Flares

## ELECTRONICS
29 – Automated Soldering
42 – Electronic Component Mfg

## FOOD
12 – Fish Canneries
12 – Smoke Houses
50 – Coffee Roasters
35 – Bulk Flour & Powered Sugar Storage

## SOLVENT USE
28 – Vapor & Cold Degreasing
30 – Solvent & Extract Driers
31 – Dry Cleaning

## ROCK AND MINERAL
04 – Hot Asphalt Batch Plants
05 – Rock Drills
06 – Screening Operations
07 – Sand Rock & Aggregate Plants
08 – Concrete Batch, CTB, Concrete Mixers, Mixers & Silos
10 – Brick Manufacturing

## OTHER
01 – Abrasive Blasting Equipment
03 – Asphalt Roofing Kettles & Tankers
46 – Reverse Osmosis Membrane Mfg
51 – Aqueous Waste Neutralization
11 – Tire Buffers
17 – Brake Debonders
23 – Bulk Grain & Dry Chemical Transfer & Storage
45 – Rubber Mixers
21 – Waste Disposal & Reclamation Units
36 – Grinding Booths & Rooms
40 – Asphalt Pavement Heaters
43 – Ceramic Slip Casting
41 – Perlite Processing
40 – Cooling Towers – Registration Only
91 – Fumigation Operations
56 – WWTP (1 million gal/day or larger) & Pump Station

NOTE: OTHER EQUIPMENT NOT LISTED HERE THAT IS CAPABLE OF EMITTING AIR CONTAMINANTS MAY REQUIRE AN AIR POLLUTION CONTROL DISTRICT PERMIT. IF THERE ARE ANY QUESTIONS, CONTACT THE AIR POLLUTION CONTROL DISTRICT AT (858) 586-2600.

Ex. 9

Project : 150059 Development: 5951

Project Type: Ministerial Status: Inspecting

Project Mgr: Vega, Jama 687-5935 Job Order:

System Managed: Current: ☑ Always: ☑ Matrix Code: C

liminary Review Wanted: ☐ Create Date: 2/7/2008 10:58 AM

Status Date: 2/7/2008 11:53 AM

Processing Code: Standard Deemed Complete: 2/7/2008 11:57 AM

Expedite Reason: Application Date: 2/7/2008 11:57 AM

Expiration Code: 360 days Expiration Date: 2/1/2009 05:00 PM

Title: Southwest Law Modular Bldg

Scope: OTAY MESA Building permit to add modular training unit inside of extg warehouse for extg Southwest Law Enforcement facility. OMDD-INDUST-SUB CT:100.07 Geo:53

Added: JVEGA 2/7/2008 11:04 AM

Updated: IVR 3/20/2008 02:27 PM

7685 Siempre Viva Rd Otay Mesa SD
KR TSA Contracting

MICHAEL J. AGUIRRE, City Attorney
DONALD McGRATH, (SBN 44139)
Executive Assistant City Attorney
WALTER C. CHUNG, Deputy City Attorney (SBN 163097)
Office of the City Attorney
1200 Third Avenue, Suite 1100
San Diego, California 92101-4100
Telephone: (619) 236-6220
Facsimile: (619) 236-6018

To the benefit of the City of San Diego, Exempt from fees per Gov't Code § 6103.

Attorneys for Defendants Kelly Broughton, Development Services Department of the City of San Diego, Afsaneh Ahmadi and The City of San Diego

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

| | |
|---|---|
| BLACKWATER LODGE AND TRAINING CENTER, INC., a Delaware Corporation dba BLACKWATER WORLDWIDE,<br><br>Plaintiff,<br><br>v.<br><br>KELLY BROUGHTON, in his capacity as Director the Development Services Department of the City of San Diego; THE DEVELOPMENT SERVICES DEPARTMENT OF THE CITY OF SAN DIEGO, an agency of the City of San Diego; AFSANEH AHMADI, in her capacity as the Chief Building Official for the City of San Diego; THE CITY OF SAN DIEGO, a municipal entity; and DOES 1-20, inclusive,<br><br>Defendants. | Case No. 08 CV 0926 H (WMC)<br><br>CERTIFICATE OF ECF SERVICE |

**Certificate of ECF Service**

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and not a party to this action; and that I served the individuals on the service list attached hereto the following documents:

Original of:

- **DEFENDANTS' OPPOSITION TO PLAINTIFF BLACKWATER'S *EX PARTE* REQUEST FOR A TEMPORARY RESTRANING ORDER;**
- **DECLARATION OF WALTER C. CHUNG IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFF BLACKWATER'S *EX PARTE* REQUEST FOR A TEMPORARY RESTRAINING ORDER;**
- **DECLARATION OF AFSANEH AHMADI IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFF BLACKWATER'S *EX PARTE* REQUEST FOR A TEMPORARY RESTRAINING ORDER; and**
- **CERTIFICATE OF ECF SERVICE OF MAY 29, 2008.**

**Filed May 28, 2008 on the ECF system and served pursuant to General Order No. 550, with:**

**Clerk of the Court**
**United States District Court**
**Southern District of California**
**880 Front Street, Suite 4290**
**San Diego, CA 92101**

| | |
|---|---|
| **John Nadolenco, Esq.**<br>**Christopher Murphy, Esq.**<br>**MAYER BROWN LLP**<br>**350 South Grand Avenue, 25th Floor**<br>**Los Angeles, CA 90071-1503**<br>**(213) 229-9500 (213) 625-0248 fax**<br><br>**Co-Counsel for Plaintiff Blackwater Lodge and Training Center, Inc., dba Blackwater Worldwide** | **jnadolenco@mayerbrown.com**<br>**cmurphy@mayerbrown.com** |
| **Michael I. Neil, Esq.**<br>**NEIL DYMOTT FRANK McFALL & TREXLER APLC**<br>**1020 2nd Avenue, Suite 2500**<br>**San Diego, CA 92101-4959**<br>**(619) 238-1712 (619) 238-1562 - fax**<br><br>**Co-Counsel for Plaintiff Blackwater Lodge and Training Center, Inc., dba Blackwater Worldwide** | **mneil@neildemott.com** |

JEAN E. PETERS